

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

OWEN P. MARTIKAN (CSBN 177104)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7241
Facsimile: (415) 436-7234
owen.martikan@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR 09-0973 JSW
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER EXCLUDING TIME
v.)	
)	
DONALD THOMAS TOSTI,)	
)	
Defendant.)	
_____)	

On December 10, 2009, the parties in this case appeared before the Court for a hearing on the United States' motion for review of the magistrate judge's release order. The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial Act calculations from December 10, 2009, through January 7, 2010, for continuity and effective preparation of defense counsel. The parties represented that granting the continuance would allow the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best

interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

/s/

DATED: December 17, 2009

OWEN P. MARTIKAN
Assistant United States Attorney

/s/

DATED: December 17, 2009

DANIEL BLANK
Attorney for Donald Tosti

[PROPOSED] ORDER

As the Court found on December 10, 2009, and for the reasons stated above, an exclusion of time from December 10, 2009, through January 7, 2010, is warranted because the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(7)(B)(iv).

SO ORDERED.

DATED: December 18, 2009


HON. JEFFREY S. WHITE
United States District Judge